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09/961,424	09/25/2001	Mitsuru Yamamoto	00862.022388.	6884

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EXAMINER

RUSTEMEYER, BRETT J

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2426

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/961,424	Applicant(s) YAMAMOTO, MITSURU	
	Examiner BRETT RUSTEMEYER	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 03/18/2010 (Applicants' Response).

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 38 and 43 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 38 and 43 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is in response to an AMENDMENT entered March 23, 2010 for the patent application, 09/961,424, filed September 25, 2001.
2. The Office Action of December 23, 2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 38 and 43 are pending.

Claim Objections

4. Claim 38 is objected to for the minor informality: It is suggested the conjunction 'and' or a comma (as in claim 43) be added between the limitations: *via the second transmission path, based on the appended destination address of the designated display terminal*. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Final Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

6. Claims 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,574,798 B1, to Bradley et al. (hereinafter “**Bradley**”) in view of U.S. Patent 5,497,186, to M. Kawasaki (hereinafter “**Kawasaki**”).

Examiner's Note (EN): It appears that the combined teaching of **Bradley** and **Kawasaki** applies with specific sections identified as follows. 11 ¶ applies.

Regarding claim 38,

Bradley reads on (in *italics*):

A video server which is connected to a plurality of control terminals via a first transmission path, and which is connected to a plurality of display terminals via a second transmission path {Bradley, FIGS. 2, 6, C 6: L 16-23, 28-31, C 14: L 32-40; EN: wherein the global authorization computer (GAC) reads on the video server, since it "administers the video system"; the transmission path connecting the customer location to the GAC reads on the first transmission path; and the local distribution network connecting (See FIG. 6) the customer location to the GAC via the local source of video signals reads on the second transmission path}, the server comprising:

a first reception unit configured to received a video request from a first one of the plurality of control terminals via the first transmission path, wherein the video request comprises video designation data designating video data to be displayed on a display terminal, display terminal designation data designating a display terminal on which the video data is to be

displayed, and first identification data identifying the first control terminal that transmitted the video request {Bradley, FIGS. 2, 7a, C 6: L 16-23, C 15: L 59 – C 17: L 4; EN: wherein the interactive voice response (IVR) interface reads on the first reception unit; the telephone at the customer location reads on the first control terminal; the telephone call reads on the video request; the pay-for-use selection indicating desired video signals, optional services, and/or lengths of time reads on the video designation data; the room number or pre-assigned television number reads on the display terminal designation data; and the caller identification (ID) received or telephone number of the room entered on the keypad reads on the first identification data};

a generating unit configured to generate first confirmation data comprising position information indicating a position of the display terminal designated by the display terminal designation data of the video request and time information indicating a reception time of the video request (Bradley, FIGS. 2, 7a, C 16: L 53-57, C 17: L 14-16; EN: wherein elements of the GAC used to confirm selections back via IVR to the user reads on the generating unit configured to generate first confirmation data, the room or pre-assigned television number confirmed back via IVR reads on the position information, and the pay-for-use selection indicating desired video signals, optional services, and/or lengths of time confirmed back via IVR reads on the time information. Additionally or alternatively, elements of the GAC used to prepare an authorization packet comprising authorized room identification, authorized channel identification, and authorized period of time read on the generating unit configured to generate first confirmation data comprising position information and time information – See Bradley, C 14: L 67 - C 15: L 10, C 17: L 17-20) [...];

a confirmation data transmission unit configured to transmit [...] the first confirmation data generated by said generating unit to the [control terminal corresponding to] the display terminal designation data, and to cause the [output of] the position information and the time information of the first confirmation data {Bradley, FIGS. 2, 7a, C 16: L 53-57, C 17: L 14-16; EN: wherein elements of the GAC used to generate IVR signals confirming selections back to the user (as previously described) reads on the confirmation data transmission unit configured to transmit the first confirmation data. Additionally or alternatively, elements of the GAC used to forward the authorization packet (as previously described) to the user's telephone line/television control interface reads on confirmation data transmission unit configured to transmit the first confirmation data— See Bradley, C 14: L 67 - C 15: L 10, C 17: L 17-20};

a confirmation data reception unit configured to receive second confirmation data comprising position information and time information from the first control terminal which transmitted the video request received by the first reception unit, wherein the second confirmation data is input in the first control terminal by a user who confirms the position information and the time information of the first confirmation data {Bradley, FIGS. 2, 7a, C 16: L 53-57, C 17: L 14-16, 50-52, C 23: L 7-10; EN: wherein the user input confirming the room or pre-assigned television number and their selections via the telephone keypad (applied to either interpretation) reads on second confirmation data comprising position information and time information ... input in the first control terminal by a user who confirms the ... first confirmation data} [...] and to receive second identification data of the first control terminal that transmitted the second confirmation data {Bradley, FIGS. 2, 8a, C 16: L 30-36; EN: wherein elements of

the GAC are used to access the database record of the institution corresponding to the received or user input telephone number reads on the *second identification data*};

a comparison unit configured to compare the first identification data received by the first reception unit with the second identification data received by said confirmation data reception unit (Bradley, FIGS. 2, 7a, 8a, C 16: L 15-36, 45-52; EN: wherein elements of the GAC used to compare database records of the institution with the telephone number received through caller ID or input by a user through their keypad reads on the comparison unit configured to compare the first identification data ... with the second identification data; See Steps 170, 176, and 180), and to compare the position information and time information of the first confirmation data transmitted by said confirmation data transmission unit with the position and time information of the second confirmation data received by said confirmation data reception unit to confirm that the user has designated the correct display terminal {Bradley, FIGS. 2, 7a, C 16: L 53-57, C 17: L 14-16, 50-52, C 23: L 7-10; EN: wherein elements of the GAC verify the user input confirming the room or pre-assigned television number and their selections via the telephone keypad is affirmative and/or appropriate. In other words, a user provides an input via their telephone keypad to via the IVR system of the GAC wherein the input represents (i) the room or pre-assigned television, and (ii) the user's selection (e.g., desired video signals, optional services, and/or lengths of time). Elements of the GAC use this input to determine whether or not the user has confirmed the IVR prompts requesting the user confirm their room or pre-assigned television number and selections, in order for the GAC to proceed to the next step of the routine. According to the interpretations described above, the user's input confirming the user's selections may occur either at (a) confirm[ing] the selection back to the user, (b) confirming its correct

operation upon receipt of the authorization packet, and/or (c) in a call back to the user confirming h[c]r selection and parameters}); and

a video data transmission unit configured to transmit, via the second transmission path, the video data designated by the video designation data to the display terminal designated by the display terminal designation data, to display the video data (Bradley, FIGS. 2, 6, 7c, C 14: L 32-46, C 18: L 16-22), if both of the comparisons by said comparison unit result in a match (Bradley, FIGS. 2, 7a, C 16: L 53-57, C 17: L 14-16, 50-52, C 23: L 7-10; EN: wherein elements of the GAC confirm the user input confirming the room or pre-assigned television number and their selections via the telephone keypad is affirmative and/or appropriate), and

wherein if either comparison by the comparison unit does not result in a match, the video data designated by the video designation data is not transmitted to the display terminal designated by the display terminal designation data (Bradley, FIGS. 2, 6, 7a, 7b, C 16: L 48-52, C 17: L 14-16, 53-65, C 23: L 14-18).

Bradley is explicitly silent on (in *italics*):

a generating unit configured [...] to append a destination address corresponding to the designated display terminal to the first confirmation data;

a confirmation data transmission unit configured to transmit, via the second transmission path based on the appended destination address of the designated display terminal, the first confirmation data generated by said generating unit to the display terminal designated by the display terminal designation data, and to cause the display terminal to display the position information and the time information of the first confirmation data;

[...] wherein [...] a user who confirms the position information and the time information of the first confirmation data is displayed on the display terminal [...]

Kawasaki reads on (in *italics*):

a generating unit configured [...] to append a destination address corresponding to the designated display terminal [...] (Kawasaki, FIG. 2, C 2: L 45 – C 3: L 28; wherein the control computer reads on the generating unit and the terminal address reads on the destination address);

a confirmation data transmission unit configured to transmit, via the second transmission path based on the appended destination address of the designated display terminal, [...] data generated by said generating unit to the display terminal designated by the display terminal designation data, and to cause the display terminal to display [...] the data (Kawasaki, FIG. 2, C 1: L 7-10, 22-40, C 2: L 45 – C 3: L 28; EN: wherein the communication controller reads on the confirmation data transmission unit); and

[...] wherein [...] a user who confirms [...] the data is displayed on the display terminal (**Kawasaki**, C 5: L 4-8) [...]

Rationale:

Because both **Bradley** and **Kawasaki** teach methods to transmit messages, e.g., voice prompts via IVR and announcement picture data via video signal, respectively, it would have been obvious to one ordinarily skilled in the art to apply the technique of transmitting message commands comprising announcement picture data in the form of a character strings through a hotel video distribution system for display on a particular terminal address as described by **Kawasaki** to improve the respective functionality of the GAC, local video source, and television

control interface in confirming user selections as disclosed by **Bradley** for the predictable result of displaying a user's input on their display unit in order to enable the user to more readily confirm their input telephone keypad interface.

Regarding claim 43, the method is inherent of the system and its claimed functionality.

Response to Arguments

7. Applicant's arguments and remarks documented in the Applicant's submission pertaining to the 35 U.S.C. § 103(a) rejection of claims 38 and 43 have been considered, but are moot in view of the new ground(s) of rejection.

In reference to the Applicants' argument(s):

"This application has been carefully reviewed in light of the Office Action dated December 23, 2009. Claims 38 and 43 are now remaining in the application and both are independent. Claims 39 to 42 and 44 to 47 have been canceled. Reconsideration and further examination are respectfully requested.

Claims 38 to 47 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,574,798 (Bradley) in view of U.S. Patent No. 5,497,186 (Kawasaki). Reconsideration and withdrawal of the rejections are respectfully requested [...]

Bradley is seen to disclose an arrangement for delivering pay video data. Bradley discloses that an authorization is performed using a user's room information. However, this arrangement differs from the claims in that it does not allow a user to confirm that a desired display terminal has been correctly designated. That is, Bradley is not seen to teach that, when a user request a video, that first confirmation data comprising position information of a designated display terminal designated in the video request and time information indicating when the video request is received is generated, then transmitted to the designated display terminal where it is displayed so that the user can then confirm the confirmation data by inputting the displayed position information and time information into a control terminal, whereby it is transmitted back to the server which performs the comparison of the two to ensure the correct display terminal has been designated. Accordingly, Bradley is not seen to teach the features of Claims 38 and 43.

Kawasaki is merely seen to disclose that a message directed to a particular terminal is transmitted with a television broadcast signal, whereby the terminal displays the message on a TV receiver, and finishes the display when the user issues an instruction indicating that the message has been received. Thus, at best, Kawasaki transmits a message to a particular terminal and the user confirms receipt of the message. However, there is no

indication in Kawasaki that the message is one which is initiated by a video request that designates the terminal, nor does the message include position information indicating a position of the terminal and time information indicating a time of reception of the video request. Further, Kawasaki is not seen to teach that, when the user confirms receipt of the message, that the user inputs the position information and time information displayed on the terminal. Even further, Kawasaki is not seen to perform the claimed comparison of comparing the displayed message with received confirmation to determine whether or not to transmit the requested video data to the terminal. Accordingly, Kawasaki is not seen to add anything to overcome the deficiencies of Bradley, and Claims 38 and 43 are believed to be allowable over the cited art [...]"

Examiner's Response:

¶ 13 below applies. In response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, **Kawasaki** is relied upon herein to teach the technique of transmitting message commands comprising announcement picture data in the form of a character strings through a hotel video distribution system for display on a particular terminal address. Accordingly, Applicants' remarks regarding **Kawasaki** are moot.

Applicant is directed to Examiner's new interpretation of and citations within **Bradley**. Particular reference is made to the IVR interface of the GAC prompting a user "confirm the room or television number back to the user and requesting confirmation with a telephone keypad entry." Similar attention is drawn to the confirmation of the pay-for-use selection indicating desired video signals, optional services, and/or lengths of time.

While none of the disclosed IVR prompts are displayed on the user's television in **Bradley**, one of ordinary skill in the art would have recognized that displaying a message for user confirmation is generally preferable to trying to understand and confirm a computer

generated audio message. Using this knowledge, the respective functionality of the GAC, local video source, and television control interface of **Bradley** could be improved upon by incorporating the respective functionality of control computer, communication controller, and user terminal apparatus of **Kawasaki** the respective functionality of the GAC, local video source, and television control interface in transmission of server messages to a user. For reasons set forth in this Final Office Action, Examiner respectfully submits this 35 U.S.C. § 103(a) rejection of claims 38 and 43.

Examination Considerations

8. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure.” *In re Morris*, 127 F.3d 1048, 1054-1055, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). “Limitations appearing in the specification but not recited in the claim are not read into the claim.” *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969) (MPEP p 2100-8, C 2: L 45-48; p 2100-9, C 1: L 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

9. Examiner’s Notes are provided with the cited references to prior art to assist the Applicant(s) to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art which may be applied in future Office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution.

However, and unless otherwise stated, the Examiner's Notes are not prior art, but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

10. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

11. Examiner's Opinion: ¶ 8-10 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this Final Office Action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Claims 38 and 43 are rejected.

Contact

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Brett Rustemeyer whose telephone number is (571) 270-1849. The examiner can normally be reached on Monday - Friday 9:00 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BR/
Examiner – Art Unit 2426
June 19, 2010

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424